

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DUNKIN' DONUTS FRANCHISED
RESTAURANTS LLC, *et al.*,

Plaintiffs,

v.

AGAWAM DONUTS, INC., *et al.*,

Defendants.

No. 1:07-cv-11444-RWZ

PLAINTIFFS' EMERGENCY MOTION TO FILE CERTIFICATION UNDER SEAL

Pursuant to Local Rule 7.2, Plaintiffs ("Dunkin'") hereby seek the Court's permission to file the Certification of Daniela Brito, in support of Dunkin's emergency motion for limited discovery under seal. The Certification at issue is necessary to provide the Court with the facts and information to demonstrate that Dunkin' has good cause for the relief it seeks on an expedited basis. While the parties have yet to execute a final protective order, they have exchanged drafts and expect to resolve all related issues in the near future.

Dunkin' conferred with Defendants' counsel Howard Cooper and Max Stern about the Emergency Motion to Conduct Limited Discovery, including Dunkin's intention to file the subject Certification under seal, through emails on Thursday, December 6, 2007 and a telephone conference on Friday, December 7, 2007. Defendants did not express any objection to the Certification being filed under seal. However, their position on assent is unclear. Additionally, during the conference call on December 7, 2007, Mr. Cooper advised Dunkin' that he would not be available for the rest of the day. Dunkin' also attempted to contact Mr. Stern and left a voicemail for him. Due to the expedited relief sought in the Emergency Motion, Dunkin' has filed the instant Motion.

For the reasons stated herein, Dunkin' respectfully requests that the Court grant its Motion and order the relief sought.

Respectfully submitted,

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Dated: December 7, 2007

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Stephen J. Vaughan, hereby certify that on this 7th day of December, 2007, I served a copy of the foregoing on all parties to this action via the court's electronic system to counsel of record and served the Certification of Daniela Brito (with exhibits) by electronic mail.

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